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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,656	02/15/2006	Roman Coppola	101070.0001US	9581
34284	7590	12/14/2007		
Rutan & Tucker, LLP. Hani Z. Sayed 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER LIU, MICHAEL	
			ART UNIT 2851	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/568,656	COPPOLA, ROMAN	
	Examiner	Art Unit	
	Michael Liu	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-13 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-13 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 26 September 2007. Claims 1, 4, 6-8, 12, 13, and 19-22 have been amended, claims 2, 3, 5, and 14-18 have been canceled, and claim 23 has been newly added by this amendment.

Claim Objections

2. Claim 19 is objected to because of the following informalities: "the inside the cavity" has a grammatical mistake and should be revised to --the inside of the cavity--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-8, 10, and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Leary (6,061,969) in view of Oles (5,946,500).

Re claims 1, 10, and 11: Leary discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity [inside of 10] sufficiently large to contain a plurality of people, props, and equipment [C4L2-5: cavity sufficiently large enough to contain a plurality of people, props, and equipment with diameter 30 ft and height 15 ft]; and

wherein the structure comprises a translucent wall [C2L38-39] that is colored [C5L62: pigmented] from inside the cavity.

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Leary does not disclose expressly a chroma key backdrop for photographing.

Oles teaches a wall 10 that is colored to produce a uniform chroma key colored backdrop of blue or green [C4L25-28] to a subject 12 being photographed.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the chroma background for photographing a subject of Oles in the inflatable structure of Leary, for the purpose of forming a more desirable panoramic background with the chroma replacement.

Re claim 6: Leary discloses wherein the inflatable structure is comprised of a plastic sheet [C5L53-56].

Re claim 7: Leary discloses the plastic sheet is a vinyl [C5L44-47: polyvinyl].

Re claim 8: Leary discloses wherein the vinyl has a thickness of at least 4 mils. [C5L42-44: Thickness of vinyl wall is preferably approximately 0.004-0.008 inches. Since 1000 mils = 1 in, the preferred thickness is 4-8 mils.]

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles as applied to claim 1 above, and further in view of Huebner (6,343,184).

Leary as combined teaches all limitations of the claimed invention except for stage lights illuminating the cavity from outside.

Huebner teaches comprising a plurality of stage lights [C7L35-40: 256 lights] that illuminate the cavity 254 from outside the structure [Abstract; see 84 in Fig 10].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the outside lighting of Huebner in the structure of Leary as

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combined, for the purpose of providing better lighting so the subject and the background may be more clearly captured in the photograph.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles as applied to claim 1 above, and further in view of Simens (6,282,842).

Leary as combined teaches all limitations of the claimed invention except for having a floor area greater than 20 thousand sq. ft.

Simens teaches an inflatable structure A that has a floor area of more than 20,000 square feet. [Abstract: The inflatable dome has a diameter of 800 feet. This yields an area of greater than 500 thousand square feet.]

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to increase in size the structure of Leary as combined, to the size of the dome in Simens, for the purpose of having a larger area for capturing a subject.

7. Claims 1, 6, 8, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadler (4,164,820) in view of Riordan (4,103,369) and further in view of Oles.

Re claims 1, 10, and 11: Sadler discloses a system [Fig 1], comprising:

an inflatable structure 10 that defines a cavity [inside of 10] sufficiently large to contain a plurality of people, props, and equipment [C4L40-43: 30 person capacity].

Sadler does not disclose expressly the structure having a translucent wall.

Riordan teaches an inflatable structure 8 that comprises a translucent wall that is colored [C3L64-66: translucent color] from inside the cavity.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to make the inflatable structure of Sadler have a translucent inner

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wall, as done in Riordan, for the purpose of providing an environment that is soothing and conducive to concentration by students [C3L66-67].

Sadler in view of Riordan teaches all limitations of the claimed invention except for having a chroma background for photographing.

Oles teaches a wall 10 that is colored to produce a uniform chroma key colored backdrop of blue or green [C4L25-28] to a subject 12 being photographed.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the chroma background for photographing a subject of Oles in the inflatable structure of Sadler as combined, for the purpose of forming a more desirable panoramic background with the chroma replacement.

Re claim 6: Sadler discloses wherein the inflatable structure is comprised of a plastic sheet [Abstract].

Re claim 8: Sadler discloses the vinyl has a thickness of 4 mils [C2L45-47].

Re claim 12: Sadler discloses wherein the inflatable structure has a floor portion that is continuous with the wall [C3L34-36; see Fig 1].

Re claim 13: Sadler discloses wherein the structure is inflated by pressurizing the cavity [C2L60-67].

8. Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leary in view of Oles and further in view of Huebner.

Re claims 19 and 20: Leary discloses a method, comprising:

providing an inflatable structure 10 that defines a cavity [inside of 10] having a wall colored [C5L12: pigmented].

Leary does not disclose expressly a chroma background for photographing.

Oles teaches a wall 10 colored to produce a chroma key background [C4L25-28]; positioning a camera 16 and a subject 12, which can comprise a person [Fig 1B]; photographing the thus illuminated subject against the background [see Fig 1A].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the chroma background for photographing a subject of Oles in the inflatable structure of Leary, for the purpose of forming a more desirable panoramic background with the chroma replacement.

Leary in view of Oles does not teach expressly using lighting outside the cavity.

Huebner teaches illuminating the subject with artificial lighting [C7L35-40: 256 lights] transmitted through the wall [Abstract; see 84 in Fig 10].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the outside artificial lighting of Huebner in the structure of Leary as combined, for the purpose of providing better lighting so the subject and the background may be more clearly captured in the photograph.

Re claim 22: Leary as combined teaches all limitations of the claimed invention except for operating the inside equipment from outside the cavity.

Huebner teaches further comprising positioning at least some photography-related equipment inside the cavity, and operating the equipment from outside the cavity. [C6L53-55 and C7L35-40: The equipment consisting of a camera, drives, and lights are inside the cavity and operated by remote control outside the cavity.]

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use the remote control of Huebner to control the equipment of Leary as combined, for the purpose of the equipment being easier to control and adjust through wireless means.

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Aptekar (2005/0144018).

Leary as combined discloses all limitations of the claimed invention except for the subject being a car.

Aptekar teaches the subject being photographed comprises a car [22 and 29].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to make the subject of Leary as combined be a car, as done in Aptekar, for the purpose taking optimally clear pictures of the vehicle.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leary as combined as applied to claim 19 above, and further in view of Sadler.

Leary as combined discloses all limitations of the claimed invention except for the floor portion being an extension of the wall.

Sadler teaches the step of providing the structure further comprises providing a floor portion that is an extension of the wall [C3L34-36; see Fig 1].

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have the structure wall of Leary as combined be an extension of the floor portion, as taught in Sadler, for the purpose of easier assembly.

Response to Arguments

11. Applicant's arguments with respect to the Abstract have been fully considered and are persuasive. The objection of the Abstract has been withdrawn.

12. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive. Applicant asserts that Leary does not have the properly pigmented walls. The examiner agrees with this observation, and therefore, has rejected claim 1 with a secondary reference using Oles. It is a prima facie case of obviousness to add Oles to teach the chroma key colored background.

13. Applicant's arguments with respect to claim 4 have been fully considered but they are not persuasive. On page 6 of the Remarks, Applicant states, "It would make no sense to use place lights outside the greenhouse of Leary. If artificial lighting is used, the lights would be placed inside the greenhouse where they would provide the most light." Applicant is reminded that the rejection was made on Leary in view of Oles, and therefore, the greenhouse cavity could serve as a chroma backdrop for photographing a subject. The motivation for doing so would be for a larger and more desirable panoramic background. By making this prima facie case of obviousness, the rejection must be observed in light of the references in combination, and not separately. In addition, the examiner has used a new reference (Huebner), which teaches placing a

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plurality of stage lights outside the cavity. This would allow the background to be better illuminated during photography.

14. Applicant's arguments with respect to claim 12 have been fully considered but they are not persuasive. The examiner has found new art in the Sadler reference that teaches the structure has a floor portion that is continuous with the wall. See both C3L34-46 and Fig 1.

15. Applicant's arguments with respect to claim 13 have been fully considered but they are not persuasive. The examiner agrees that the Leary reference does not teach that the structure is inflated by pressurizing the cavity. However, the Sadler reference, in combination with Leary in view of Oles, does disclose this limitation. See C2L60-67.

16. Applicant's arguments with respect to claim 19 have been fully considered but they are not persuasive. By a prima facie case of obviousness, the Leary reference can be combined with the Oles and the Huebner reference to reject this claim. The motivation for photographing a subject against a chroma key colored background in an inflatable structure is to form a more desirable panoramic background.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Liu whose telephone number is 571-272-9019. The examiner can normally be reached on Monday through Friday 9 am - 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML 20071207

Michael Liu
Examiner
Art Unit 2851



DIANE I. LEE
SUPERVISORY PATENT EXAMINER